REMARKS

The Final Office Action mailed July 27, 2004 has been carefully considered. In response thereto, Applicants hereby submit a Request for Continued Examination (RCE) under 37 C.F.R. 1.114 including the foregoing amendments. Upon entry of the amendments in this response, claims 1 – 35, 39, and 40 remain pending. In particular, Applicant has added claims 39 and 40, has amended claims 1 – 12 and 14 – 34 and has canceled claims 36 – 38 without prejudice, waiver, or disclaimer. Applicant has canceled claims 36 – 38 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. The subject matter of claims 1 – 12, 14 – 34, 39, and 40 can be found in Applicants' originally submitted drawings and the related detailed description. Accordingly, no new matter is added to the application. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claim Rejections under 35 U.S.C. §103 - Claims 1 – 38

A. Statement of the Rejection

The Office Action indicates that claims 1 – 3, 5 – 8, 10, 11, 13 – 16, 18 – 20, 22 – 24, 26 – 28, and 30 – 38 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Weinberg (U.S. Patent No. 6,587,969) (hereinafter, *Weinberg*) in view of Applicant's admitted prior art.

The Office Action indicates that claims 4, 9, 12, 17, 21, 25, and 29 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Weinberg* in view of Applicant's admitted prior art and further in view of Jibbe (U.S. Patent No. 6,311,320) (hereinafter, *Jibbe*).

B. Discussion of the Rejection - Claims 1 – 3, 5 – 8, 10, 11, 13 – 16, 18 – 20, 22 – 24, 26 – 28, and 30 - 38

Applicants' claims, as amended, are not obvious over the combination of *Weinberg* and Applicants' admitted prior art for at least the reason that the combination fails to disclose, teach, or suggest each element in the claims.

In order for a claim to be properly rejected under 35 U.S.C. §103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, *e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicants have canceled claims 36 – 38. Thus, the rejection of claims 36 – 38 is rendered moot.

Applicants respectfully request that the Office reconsider the rejection of claims 1 – 3, 5 – 8, 10, 11, 13 – 16, 18 – 20, 22 – 24, 26 – 28, and 30 – 35 in light of at least the amendments to independent claims 1, 14, 23, and 31. Applicants' independent claims 1, 14, 23, and 31 and dependent claims 2 – 13, 15 – 22, 24 –30, 32 – 35, 39, and 40 that depend either directly or indirectly from the independent claims are allowable over the combination of *Weinberg* and Applicant's admitted prior art for at least the reason that the combination fails to disclose, teach, or suggest each element of the claims.

1.   Claims 1 – 3, 5 – 8, 10, 11, and 13

For convenience of analysis, independent claim 1, as amended, is repeated below in its entirety.

> 1.   An apparatus for providing a graphical user interface (GUI) comprising:
>   logic configured to execute GUI generation code and GUI user interaction handling code; and
>   a display device in communication with said logic, wherein when said logic executes the GUI generation code, a window is displayed on the display device, said window presenting *a first panel configured to present a sequence of commands and a second panel configured to present one or more available commands for adding commands to a presently displayed sequence.*

(Applicants' independent claim 1 - *emphasis added.*)

The cited combination fails to disclose, teach, or suggest Applicants' claimed apparatus for at least the reason that the combination fails to disclose, teach, or suggest Applicants' claimed display device with a window, said window presenting "*a first panel configured to present a sequence of commands and a second panel configured to present one or more available commands for adding commands to a presently displayed sequence.*" Consequently, claim 1 is allowable.

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Specifically, the system apparently disclosed in *Weinberg* uses an interface to display verification steps associated with the testing of transactional servers (*e.g.*, a web-based transactional server, a SAP-based transactional server, and a mainframe-based transactional server). The examples apparently disclosed in *Weinberg* include operational verifications of a web site, the submission of a form, and a text check. Accordingly, *Weinberg* appears to disclose a test system that operates within the confines of a transactional server and a test system. The window illustrated in FIG. 6 of *Weinberg* apparently illustrates the combination of test script execution status and information responsive to execution of the test script.

In contrast to *Weinberg*, Applicants' claim 1 recites "*a first panel configured to present a sequence of commands and a second panel configured to present one or more available commands for adding commands to a presently displayed sequence.*" A window that illustrates a test script execution status and information responsive to execution of the test script is not a first panel configured to present a sequence of commands and a second panel configured to present one or more available commands for adding commands to a presently displayed sequence.

The statement of the rejection alleges that it is known in the art of software development, from Applicants' admitted prior art, to cause robotics and drives to perform various operations such as moving tapes to and from drives in order to store backup data from servers on the tapes in backup storage systems. The alleged admitted prior art fails to remedy the failure of *Weinberg* to disclose, teach, or suggest at least "*a first panel configured to present a sequence of commands and a second panel configured to present one or more available commands for adding commands to a presently displayed sequence.*" Thus, the combination fails to render Applicants' claimed method obvious. Accordingly, claim 1 is allowable and the rejection of claim 1 should be withdrawn.

Because independent claim 1 is allowable, dependent claims 2, 3, 5 – 8, 10, and 11 are also allowable, as these claims include all the elements of independent claim 1. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicants respectfully request that the rejection of claims 1 – 3, 5 – 8, 10, and 11 be withdrawn.

2.   Claims 14 – 16, 18 – 20, and 22

For convenience of analysis, independent claim 14, as amended, is repeated on the following page in its entirety.

14. A method for enabling a user to generate a sequence, the method comprising:

presenting at least one option that enables a user to open a panel; and

displaying a window responsive to selection of the at least one option, the window presenting at least one panel configured to present a sequence in a first portion of the panel with a set of one or more available commands for inserting into a presently displayed sequence in a second portion of the panel.

(Applicants' independent claim 14 - *emphasis added.*)

The cited combination fails to disclose, teach, or suggest at least the emphasized feature of pending claim 14 as shown above. Consequently, claim 14 is allowable.

Specifically, *Weinberg* appears to disclose a test system that operates within the confines of a transactional server and a test system. The window illustrated in FIG. 6 of *Weinberg* apparently illustrates the combination of test script execution status and information responsive to execution of the test script.

In contrast to *Weinberg*, Applicants' claim 14 comprises the feature of *"displaying a window responsive to selection of the at least one option, the window presenting at least one panel configured to present a sequence in a first portion of the panel with a set of one or more available commands for inserting into a presently displayed sequence in a second portion of the panel."* A window that illustrates a test script execution status and information responsive to execution of the test script is not a window responsive to selection of the at least one option, the window presenting at least one panel configured to present a sequence in a first portion of the panel with a set of one or more available commands for inserting into a presently displayed sequence in a second portion of the panel.

The statement of the rejection alleges that it is known in the art of software development, from Applicants' admitted prior art, to cause robotics and drives to perform various operations such as moving tapes to and from drives in order to store backup data from servers on the tapes in backup storage systems. The alleged admitted prior art fails to remedy the failure of *Weinberg* to disclose, teach, or suggest at least *"displaying a window responsive to selection of the at least one option, the window presenting at least one panel configured to present a sequence in a first portion of the panel with a set of one or more available commands for inserting into a presently displayed sequence in a second portion of the*

panel." Thus, the combination fails to render Applicants' claimed method obvious. Accordingly, claim 14 is allowable and the rejection of claim 14 should be withdrawn.

Because independent claim 14 is allowable, dependent claims 15, 16, 18 – 20, and 22 are also allowable, as these claims include all the elements of independent claim 14. *See In re Fine, supra.* Accordingly, Applicants respectfully request that the rejection of claims 14 – 16, 18 – 20, and 22 be withdrawn.

3.   Claims 23, 24, 26 – 28, and 30

For convenience of analysis, independent claim 23, as amended, is repeated below in its entirety.

> 23.   A computer program for generating a graphical user interface (GUI), the program being stored on a computer-readable medium, the program comprising:
>   *a first code segment, the first code segment generating a graphical user interface (GUI) presenting at least one panel comprising a sequence together with a list of one or more available commands suitable for adding to the sequence*;
>   a second code sequence configured to enable a user to select a command from the list of commands; and
>   a third code segment, the third code segment configured to determine when a selection of a position within the sequence has been made by a user, wherein upon determining that the user has selected said at least one position within the sequence, a third code sequence inserts a select command from the list of commands in said sequence.

(Applicants' independent claim 23 - *emphasis added.*)

The cited art of record fails to disclose, teach, or suggest at least the emphasized element of pending claim 23 as shown above. Consequently, claim 23 is allowable.

Specifically, *Weinberg* appears to disclose a test system that operates within the confines of a transactional server and a test system. The window illustrated in FIG. 6 of *Weinberg* apparently illustrates the combination of test script execution status and information responsive to execution of the test script.

In contrast to *Weinberg,* Applicants' claim 23 comprises the feature of "*a first code segment, the first code segment generating a graphical user interface (GUI) presenting at least one panel comprising a sequence together with a list of one or more available commands suitable for adding to the sequence.*" A window that illustrates a test script

execution status and information responsive to execution of the test script is not a graphical user interface that presents at least one panel comprising a sequence together with a list of available commands suitable for adding to the sequence.

The statement of the rejection alleges that it is known in the art of software development, from Applicants' admitted prior art, to cause robotics and drives to perform various operations such as moving tapes to and from drives in order to store backup data from servers on the tapes in backup storage systems. The alleged admitted prior art fails to remedy the failure of *Weinberg* to disclose, teach, or suggest at least "*a first code segment, the first code segment generating a graphical user interface (GUI) presenting at least one panel comprising a sequence together with a list of one or more available commands suitable for adding to the sequence.*" Thus, the combination fails to render Applicants' claimed computer-readable medium obvious. Accordingly, claim 23 is allowable and the rejection of claim 23 should be withdrawn.

Because independent claim 23 is allowable, dependent claims 24, 26 – 28, and 30 are also allowable, as these claims include all the elements of independent claim 23. *See In re Fine, supra.* Accordingly, Applicants respectfully request that the rejection of claims 23, 24, 26 – 28, and 30 be withdrawn.

4.   Claims 31 – 35

For convenience of analysis, independent claim 31, as amended, is repeated on the following page in its entirety.

> 31.   An apparatus, comprising:
> a processor configured to execute logic configured to generate a graphical user interface (GUI), logic configured to interact with at least one human to machine interface, and logic configured to generate commands applied to control systems within one or more remote devices; and
> a display device in communication with said processor, wherein when said processor executes the logic configured to generate the GUI, *a first window is displayed on the display device, said first window presenting at least one option that enables a user to open a panel comprising both a sequence in a first portion of the panel and a list of one or more commands in a second portion of the panel.*

(Applicants' independent claim 31 - *emphasis added*.)

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The cited art of record fails to disclose, teach, or suggest at least the emphasized element of pending claim 31 as shown above. Consequently, claim 31 is allowable.

Specifically, *Weinberg* appears to disclose a test system that operates within the confines of a transactional server and a test system. The window illustrated in FIG. 6 of *Weinberg* apparently illustrates the combination of test script execution status and information responsive to execution of the test script.

In contrast to *Weinberg*, Applicants' claim 31 comprises the feature of "*a first window is displayed on the display device, said first window presenting at least one option that enables a user to open a panel comprising both a sequence in a first portion of the panel and a list of one or more commands in a second portion of the panel.*" A window that illustrates a test script execution status and information responsive to execution of the test script is not a first window that presents at least one option that enables a user to open a panel comprising both a sequence in a first portion of the panel and a list of commands in a second portion of the panel.

The statement of the rejection alleges that it is known in the art of software development, from Applicants' admitted prior art, to cause robotics and drives to perform various operations such as moving tapes to and from drives in order to store backup data from servers on the tapes in backup storage systems. The alleged admitted prior art fails to remedy the failure of *Weinberg* to disclose, teach, or suggest at least "*a first window is displayed on the display device, said first window presenting at least one option that enables a user to open a panel comprising both a sequence in a first portion of the panel and a list of one or more commands in a second portion of the panel.*" Thus, the combination fails to render Applicants' claimed apparatus obvious. Accordingly, claim 31 is allowable and the rejection of claim 31 should be withdrawn.

Because independent claim 31 is allowable, dependent claims 32 – 35 are also allowable, as these claims include all the elements of independent claim 31. *See In re Fine, supra.* Accordingly, Applicants respectfully request that the rejection of claims 31 – 35 be withdrawn.

C. Discussion of the Rejection - Claims 4, 9, 12, 17, 21, 25, and 29

Applicants' claims, as amended, are not obvious over the combination of *Weinberg*, Applicants' admitted prior art, and *Jibbe* for at least the reason that the combination fails to disclose, teach, or suggest each element in the claims.

Regarding Applicants' dependent claims 4, 9, and 12, these claims depend directly or indirectly from Applicants' independent claim 1. The statement of the rejection alleges that *Jibbe* discloses a scripting tool for testing computing devices for the purpose of ease of testing a variety of devices without knowing the scripting language and without requiring a new scripting system and for providing ease (sic) view of results of executing a script command with the script command that caused the results. The statement of the rejection then concludes that the proposed combination would be obvious because testing devices can be performed at a high level and analyzing the test results can be done easily as taught by *Jibbe*.

Without addressing the validity of the proposed combination, Applicant submits that the proposed combination fails to disclose, teach, or suggest at least the emphasized feature of independent claim 1. Thus, claims 4, 9, and 12 are not rendered obvious and are allowable. More specifically, the combination fails to disclose, teach, or suggest at least Applicants' claimed "*first panel configured to present a sequence of commands and a second panel configured to present onr or more available commands for adding commands to a presently displayed sequence.*" Accordingly, the rejection of claims 4, 9, and 12 should be withdrawn.

Concerning Applicants' dependent claims 17 and 21, these claims depend directly or indirectly from Applicants' independent claim 14. The statement of the rejection alleges that *Jibbe* discloses a scripting tool for testing computing devices for the purpose of ease of testing a variety of devices without knowing the scripting language and without requiring a new scripting system and for providing ease (sic) view of results of executing a script command with the script command that caused the results. The statement of the rejection then concludes that the proposed combination would be obvious because testing devices can be performed at a high level and analyzing the test results can be done easily as taught by *Jibbe*.

Without addressing the validity of the proposed combination, Applicant submits that the proposed combination fails to disclose, teach, or suggest at least the emphasized feature of independent claim 14. Thus, claims 17 and 21 are not rendered obvious and are allowable. More specifically, the combination fails to disclose, teach, or suggest at least Applicants' claimed "*displaying a window responsive to selection of the at least one option, the window presenting at least one panel configured to present a sequence in a first portion of the panel with a set of one or more available commands for inserting into a presently displayed*

sequence in a second portion of the panel." Accordingly, the rejection of claims 17 and 21 should be withdrawn.

Regarding Applicants' dependent claims 25 and 29, these claims depend directly or indirectly from Applicants' independent claim 23. The statement of the rejection alleges that *Jibbe* discloses a scripting tool for testing computing devices for the purpose of ease of testing a variety of devices without knowing the scripting language and without requiring a new scripting system and for providing ease (sic) view of results of executing a script command with the script command that caused the results. The statement of the rejection then concludes that the proposed combination would be obvious because testing devices can be performed at a high level and analyzing the test results can be done easily as taught by *Jibbe*.

Without addressing the validity of the proposed combination, Applicant submits that the proposed combination fails to disclose, teach, or suggest at least the emphasized feature of independent claim 23. Thus, claims 25 and 29 are not rendered obvious and are allowable. More specifically, the combination fails to disclose, teach, or suggest at least Applicants' claimed "*a first code segment, the first code segment generating a graphical user interface (GUI) presenting at least one panel comprising a sequence together with a list of one or more available commands suitable for adding to the sequence.*" Accordingly, the rejection of claims 25 and 29 should be withdrawn.

II.   New Claims

New claims 39 and 40 are patentable for at least the reason that these claims depend directly or indirectly from independent claim 1 and include all the elements of independent claim 1. *See In re Fine, supra.*

III.   Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.
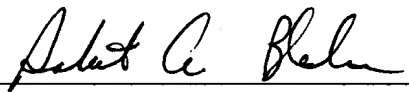
CONCLUSION

In summary, Applicants respectfully request that all outstanding claim rejections be withdrawn. Applicants respectfully submit that presently pending claims 1 – 35, 39, and 40 are allowable over the cited art and the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comment regarding the Applicants' response or believe that a teleconference would expedite prosecution of the pending claims, Applicants request that the Examiner telephone Applicants' undersigned attorney.

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